

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUAN PABLO SOTELO-CASTRO,

Defendant.

No. 11-CR-2037-LRR

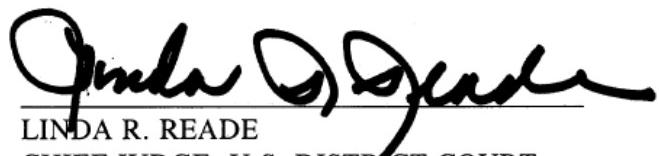
**ORDER**

The matter before the court is the government’s “Motion to Dismiss Count 3 of the Indictment” (“Motion”) (docket no. 19). Pursuant to Federal Rule of Criminal Procedure 48(a), “[t]he government may, with leave of court, dismiss an indictment, information, or complaint.” Fed. R. Crim. P. 48(a). “[T]he district court may deny leave to dismiss an indictment[] when the defendant objects to the dismissal, and when dismissal is clearly contrary to the manifest public interest.” *United States v. Jacobo-Zavala*, 241 F.3d 1009, 1012 (8th Cir. 2001). In this case, Defendant Juan Pablo Sotelo-Castro has not objected to the dismissal. See Minutes for November 9, 2011 Status Conference (docket no. 20). Furthermore, the court does not find that dismissal is clearly contrary to the manifest public interest. See *Jacobo-Zavala*, 241 F.3d at 1013-14 (holding that dismissal is contrary to the manifest public interest when the prosecutor acts in bad faith or has other improper motives).

Therefore, the Motion is **GRANTED**. Accordingly, Count 3 of the Indictment is **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

DATED this 10th day of November, 2011.



LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA